MEMORANDUM

Date: February, 20, 2014

TO: Town Commission

FROM: Dave Bullock, Town Manager

SUBJECT: Ordinance 2014-12, Amending the FY 2013-2014 Beach Capital Project Fund Budget to use Fund Balance for Expenses related to Third Party Challenge/Litigation and Revisions to Beach District Ordinances.

I am requesting an appropriation from the Beach Capital Projects Fund unappropriated fund balance in the amount of $150,000 to cover litigation costs associated with the permit challenge relating to the North End Structures Project and $100,000 for anticipated consulting and legal services to prepare certain revisions to the 1992 Beach Ordinances which authorize the levy of millage dedicated to beach nourishment and maintenance activities.

The Town has expended and encumbered $100,000 for the litigation related services through February 6, 2014. The Town estimates an additional $50,000 may be necessary for future costs associated with the litigation. The Town estimates $100,000 for the technical and legal work associated with the Ordinance revisions.

Ordinance 2014-12 amends the FY 2013-2014 Beach Capital Projects Fund Budget to provide for an appropriation from fund balance. The audited ending fund balance as of September 30, 2013 is $5,276,491.

Ordinance 2014-12 was presented to the Commission at their February 18, 2014 Regular Workshop meeting for consideration. The Ordinance was forwarded to the March 3, 2014 Regular Meeting for first reading and public hearing.

Please contact me if you have any questions.

ORDINANCE 2014-12

AN ORDINANCE AMENDING THE BEACH CAPITAL PROJECT FUND BUDGET OF THE TOWN OF LONGBOAT KEY, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2013, AND ENDING SEPTEMBER 30, 2014; TRANSFERRING A TOTAL OF $250,000 FROM THE BEACH FUND UNAPPROPRIATED FUND BALANCE; TRANSFERRING SAID FUNDS TO BEACH LITIGATION DEFENSE IN AN AMOUNT OF $150,000, AND PROFESSIONAL SERVICES- REVISE BEACH ORDINANCES IN AN AMOUNT OF $100,000; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town anticipates an estimated $150,000 in expenditures relating to the defense costs associated with the third party administrative challenge relating to the North End Structure project; and

WHEREAS, the Town anticipates an estimated $100,000 in expenditures relating to the consulting and legal services associated with the revision of the 1992 Beach District Ordinances; and

WHEREAS, the Town desires to amend the Beach Capital Project Fund budget for Fiscal Year 2013-2014 to provide for an appropriation from unallocated fund balance for said purposes; and

WHEREAS, the Finance Director certifies that sufficient unappropriated balances are available in the Beach Capital Project Fund to make the required appropriations; and

WHEREAS, Article V, Section 9 of the Town Charter provides for such a supplemental appropriation;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF LONGBOAT KEY, FLORIDA, THAT:

SECTION 1. The above Whereas clauses are true and correct and are hereby ratified and confirmed.

SECTION 2. The Beach Capital Project Fund budget of the Town of Longboat Key for the fiscal year beginning October 1, 2013 and ending September 30, 2014, as adopted pursuant to Ordinance 2013-23, is hereby amended to transfer Two Hundred Fifty Thousand and 00/100 ($250,000) from unappropriated fund balance to the following accounts:

Transfers to:

303.4600.519.6535 Beach – Litigation Defense	$ 150,000
303.4600.519.3114 Prof Services-Revision of Beach Ordinances	$ 100,000

SECTION 3. If any section, subsection, sentence, clause, or provision of this Ordinance is held invalid, the remainder of the Ordinance shall not be affected.

SECTION 4. All ordinances or parts of ordinances in conflict herewith shall be and the same are hereby repealed.

SECTION 5. This Ordinance shall take effect upon second reading and public hearing in accordance with Law and the Charter of the Town of Longboat Key.

Passed on the first reading and public hearing the _____ day of _____, 2014.

Adopted on the second reading and public hearing the ____ day of _____, 2014.

_____
James L. Brown, Mayor

ATTEST:

_____
Trish Granger, Town Clerk

End of Agenda Item